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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

EPIC GAMES, INC.,  
  
*Plaintiff, Counter-defendant,*  
  
vs.  
  
APPLE INC.,  
  
*Defendant, Counterclaimant.*

No. 4:20-CV-05640-YGR-TSH

**STIPULATION AND [PROPOSED]  
ORDER CONCERNING OBJECTIONS  
TO DEPOSITION TESTIMONY**

Trial Date: May 3, 2021  
Courtroom: 1, 4th Floor  
Judge: Hon. Yvonne Gonzalez Rogers

**STIPULATION AND [PROPOSED] ORDER CONCERNING OBJECTIONS TO  
DEPOSITION TESTIMONY**

Case No.: 4:20-cv-05640-YGR-TSH

1 WHEREAS, pursuant to the Court's Standing Order Re: Pretrial Instructions in  
2 Civil Cases and Pretrial Order No. 2 (ECF No. 381), the Court ordered Plaintiff and Counter-  
3 defendant Epic Games, Inc., and Defendant and Counterclaimant Apple Inc. (together, the  
4 "Parties") "to hire a retired judicial officer to resolve their objections, to the extent that there are  
5 any" to the Parties' respective deposition designations ("Deposition Objections") in the above-  
6 captioned action (the "Action");

7 WHEREAS, the Parties have retained the Honorable Elizabeth Laporte (Ret.), a  
8 retired Magistrate Judge for the Northern District of California who currently serves as a neutral at  
9 JAMS in San Francisco, CA, in order to assist with the resolution of Deposition Objections;

10 WHEREAS, consistent with the Parties' discussion with the Court during a  
11 conference on April 13, 2021, the Parties wish to document the finality of Judge Laporte's rulings  
12 for purposes of the proceedings in this Court, with each Party preserving all rights to challenge  
13 such rulings in any appeal from the final decision of this Court;

14 **THEREFORE, IT IS HEREBY STIPULATED** by the Parties, through their  
15 respective counsel, that:

16 1. Judge Laporte shall have the authority to: (a) provide the Parties with  
17 informal guidance concerning Deposition Objections, and (b) upon the request of any Party, issue  
18 formal written rulings resolving Deposition Objections.

19 2. All Deposition Objections not presented to Judge Laporte for a ruling by  
20 10 am PT, April 21, 2021, or otherwise consensually resolved between the Parties, shall be  
21 deemed withdrawn, effective as of 12 pm PT, April 27, 2021.

22 3. All final written rulings issued by Judge Laporte are deemed adopted by the  
23 Court for all purposes. All such rulings shall be deemed fully preserved for review on appeal  
24 without any further action required by either Party or the Court. For the avoidance of doubt, once  
25 a Deposition Objection has been resolved by a written ruling of Judge Laporte, no party shall  
26 object to or challenge such ruling before the Court, and no Party shall be under any obligation to  
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1 object to or challenge such ruling or to raise such Deposition Objection in any fashion either at or  
2 after trial in order for the ruling to be deemed fully preserved for appeal.

3 4. The Parties hereby waive any argument that any objection to a final written  
4 ruling of Judge Laporte has been inadequately preserved for appeal.

5 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

1 Dated: April 20, 2021

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12 Dated: April 20, 2021

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1 **PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING, IT IS SO**  
2 **ORDERED.**

3  
4 DATED: \_\_\_\_\_

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5 HON. YVONNE GONZALEZ ROGERS  
6 United States District Judge  
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**ECF SIGNATURE ATTESTATION**

In accordance with Civil Local Rule 5-1, the filer of this document hereby attests that the concurrence of the filing of this document has been obtained from the other signatory hereto.

Dated: April 20, 2021

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